

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

SYCAMORE BREWING LLC,

Plaintiff,

v.

STONE BREWING CO., LLC,

Defendant.

Case No. 3:22-cv-00148

DECLARATION OF AARON RODDICK

I, Aaron Roddick, declare:

1. I am over the age of eighteen and mentally competent. I make this declaration based upon my own personal knowledge, review of documents, and, where appropriate, conversations with other individuals with knowledge. If called upon to testify as to its contents, I could and would do so consistently herewith.

2. I am the Art Production Manager at Stone Brewing Co., LLC (“Stone”). My responsibilities include designing and approving the marketing and packaging for Stone products.

3. I make this Declaration in support of Stone’s brief opposing Sycamore Brewing LLC (“Sycamore”)’s application for a preliminary injunction.

4. Stone brews high-quality craft beer. In August 2021, Stone launched its “Hazy IPA,” an India Pale Ale (“IPA”) that is made in the “hazy” style.

5. Stone’s Hazy IPA is highly rated and has received numerous reviews commending its quality.

6. When Stone first launched its Hazy IPA, it did so in a product package that had a full-length side flap, in which the cardboard panel on the side of the box covered the full length

of the package. My team placed an image of Stone’s Hazy IPA can (which itself contains the STONE® brand name, Hazy IPA product name, and Stone Gargoyle) on the side flap of the box. This image accurately depicts the can and type of box that Stone’s Hazy IPA used at its launch:



7. In March 2022, Stone began using a different type of box—one with a half-length side flap—to package its Hazy IPA. In boxes with half length side flaps, a portion of the side flap folds down from the top of the box and a portion of the slide flap folds up from the bottom of the box. This results in a line (where the two flaps overlap) running through roughly the middle of the side panel.

8. In the design planning that led to the release of the new, half-length side flap box, I revised Stone’s previous packaging design to avoid having the line that separates the top flap from the bottom flap run through the image of the STONE® Hazy IPA can. To do so, my team shrunk the image of the STONE® Hazy IPA can so that it would fit entirely on the top flap.

9. My team and I opted to use words to fill the resulting gap on the bottom flap. We selected the phrase KEEP IT JUICY to describe the juicy characteristics and flavor profile of STONE® Hazy IPA.

10. “Juicy” is a common term in the beer industry that is often used to describe IPAs.

11. We selected a color and font for the word “juicy” that matched the color and font we had always used for the words “Hazy IPA” on our packaging.

12. This image accurately depicts the updated box that Stone launched in March 2022:



13. Before this suit was filed, I did not know that Sycamore used the tagline KEEP IT JUICY. To the best of my knowledge, no one at Stone knew that Sycamore used the tagline KEEP IT JUICY.

14. In using the phrase KEEPT IT JUICY, I did not intend for consumers to confuse STONE® Hazy IPA with any other product. To the best of my knowledge, no one at Stone intended for consumers to confuse STONE® Hazy IPA with any other product.

[Signature page follows]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on April 19, 2022 in Escondido, California.

/s/ Aaron Roddick

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document has this date been electronically filed with the Clerk of Court using the CM/ECF system, which will transmit notice of such filing, constituting service thereof, to all counsel of record as follows:

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This the 20th day of April, 2022.

JAMES, McELROY & DIEHL, P.A.

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